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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 VAAGN VARTANIAN,  
12 Plaintiff,  
13 v.  
14 PORTFOLIO RECOVERY  
15 ASSOCIATES, LLC,  
16 Defendant.

Case No. 2:12-cv-08358-ODW(AJWx)  
**ORDER STRIKING PLAINTIFF'S  
OPPOSITION [24]**

16 On February 7, 2013, Defendant Portfolio Recovery Associates, LLC moved to  
17 dismiss Plaintiff Vaagn Vartanian's First Amended Complaint. (ECF No. 21.)  
18 Defendant scheduled the hearing on its motion for March 11, 2013. (*Id.*)

19 Local Rule 7-9 directs that Vartanian's opposition was due "not later than  
20 twenty-one (21) days before the date designated for the hearing of the motion." The  
21 exact due date fell on Monday, February 18, 2013. But since that day fell on  
22 Presidents' Day, a legal holiday,<sup>1</sup> Vartanian's opposition was due on Friday, February  
23 15, 2013.<sup>2</sup>  
24

25 <sup>1</sup> Presidents' Day is the more common term for Washington's Birthday, which is the day recognized  
26 as a legal public holiday on the third Monday of every February. 5 U.S.C. § 6103(a); *see also* Fed.  
27 R. Civ. P. 6(a)(6)(B) (defining "legal holiday" as, among others, any day declared a holiday by  
Congress).


28 <sup>2</sup> Rule 6(a)(1)(C) provides that when a period is stated in days, as in Local Rule 7-9, the parties are  
to "include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the  
period continues to run until the end of the *next day* that is not a Saturday, Sunday, or legal holiday"

1 Under Local Rule 7-12, “The Court may decline to consider any memorandum  
2 or other document not filed within the deadline set by order or local rule.”

3 Vartanian filed his Opposition on Tuesday, February 19, 2013 (ECF No. 24),  
4 several days after the February 15, 2013 due date. The Court therefore **STRIKES** the  
5 opposition as untimely.

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7 **IT IS SO ORDERED.**

8  
9 February 20, 2013

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12 **OTIS D. WRIGHT, II**  
13 **UNITED STATES DISTRICT JUDGE**

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27 (emphasis added). Rule 6(a)(5) provides that “[t]he ‘next day’ is determined by continuing to  
28 count . . . backward when measured before an event.” Because the February 18 was Presidents’  
Day, a legal holiday per Rule 6(a)(6)(A), Vartanian’s opposition was due on Friday, February 15,  
2013, as that was the next day counting backwards that was not a Saturday, Sunday, or legal holiday.